UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF GEORGIA

SAVANNAH DIVISION

DARIUS T. SCOTT and   )
TRASHANDA ROY-PUGH,   )
)
    Plaintiffs,   )
)
v.   )   CASE NO. CV412-044
)
JOHN C. HELLGREN and   )
McKENZIE TANK LINES, INC.,   )
)
    Defendants.   )

ORDER

Defendants move to compel Winn Army Community Hospital (Winn) to comply with subpoenas to produce plaintiffs' medical records. (Doc. 27.) Plaintiffs have consented to the release of their records. (Doc. 29.) Winn refused to release the records to defendants' counsel absent a release from the plaintiffs[1] or a court order signed by a judge. (Doc. 27 at 14, 15, 17, 19.)

As a general rule, the Court's only enforcement mechanism for the failure of an entity to respond to or otherwise contest the validity of a

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[1] Why defendants did not secure such a release from the plaintiffs (and thereby avoid bothering the Court with this unobjected to discovery matter) is a mystery for the ages.

subpoena is via its contempt power. *See* Fed. R. Civ. P. 45(e). Winn, however, has not refused to comply. It merely seeks a court order releasing it from restrictions imposed by the Health Insurance Portability and Accountability Act of 1996. *See* HIPAA Privacy Rules, 45 CFR 164.512(e)(1)(i) (requiring court order absent other assurances when responding to a subpoena requesting medical records).

The Court thus **GRANTS** defendants' motion to compel (doc. 27), as amended (defendants' doc. 29 & 30 motions to amend the motion to compel are **GRANTED**), and **ORDERS** the records custodian at Winn Army Community Hospital to comply with defendants' May 3, 2012 subpoenas. The requested documents are to be mailed to John A. Foster at Forbes, Foster & Pool, Post Office Box 13929, Savannah, Georgia, no later than ten days from receipt of this Order. Defendants shall serve this Order on the appropriate medical records custodian at Winn Army Community Hospital.

SO ORDERED this _5th_ day of September, 2012.

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UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA